

Inventors: Latterich et al.
Serial No.: 09/458,779
Filed: December 10, 1999
Page 10

REMARKS

Applicants respectfully request entry of the amendments. Claims 5 and 16 have been amended to add the term "encoded" preceding the term "protein" so as to define Applicants' invention with greater clarity. The amendment to claims 5 and 16 is supported in claim 3 as originally filed and does not add new matter.

Claims 47-49 have been amended to change the claim term "protein expression" to "protein secretion." The amendment to claims 47-49 is supported throughout the application as originally filed, for example, at page 21, lines 9-18, and does not add new matter.

Rejections under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 5, 8-10, 16, 19-21 and 47-52 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention, respectfully is traversed.

Applicants respectfully submit that the amendments made in this paper render moot the present rejection. In particular, the Office Action mailed December 16, 2002, indicates that the particular amendments made herein would be considered remedial with regard to the pending rejection under paragraph 2 of section 112.

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Serial No.: 09/458,779
Filed: December 10, 1999
Page 11

With regard to claims 8-10, 19-21 and 42, the Examiner has indicated in the Office Action mailed December 16, 2002, that it would be remedial for Applicants to clarify whether the polynucleotide encoding the Vff2 protein and the polynucleotide encoding the heterologous target protein are operably linked or expressed as independent molecules.

Applicants respectfully direct the Examiner's attention to the specification as originally filed, page 14, lines 12-21, which teaches that the polynucleotide encoding the heterologous target protein can be introduced into the host cell via the same expression vector that contains the polynucleotide encoding the Vff2 protein, but under control of a different promoter, or alternatively can be introduced on a separate vector. Therefore, claims 8-10, 19-21 and 42 are clear and definite when read in view of the specification, which indicates that the polynucleotide encoding the heterologous protein and the polynucleotide encoding the Vff2 protein are expressed as independent molecules.

In view of the above amendments and remarks, Applicants request removal of the rejection of 5, 8-10, 16, 19-21 and 47-52 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Inventors: Latterich et al.
Serial No.: 09/458,779
Filed: December 10, 1999
Page 12

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in the above-identified application. The Examiner is invited to contact the undersigned attorney with any questions related to this application.

Respectfully submitted,



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Date

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